

JUN 16 2008

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Case No.: 3:08-cv-143

PORTALES PLACE PROPERTY, LLC,

Plaintiff,

v.

MARIO GUESS a/k/a JERRY DEMARIO  
GUESS a/k/a J.D. GUESS a/k/a JERRY D.  
GUESS, LIGNA ACQUISITION GROUP, LLC,  
and THP ESCROW SERVICES CORP.,

Defendants.

ORDER GRANTING  
PLAINTIFF'S MOTION FOR ISSUANCE  
OF GARNISHMENT PROCESS TO  
BALLANTYNE AREA MARKET CENTER,  
LLC D/B/A  
KELLER WILLIAMS REALTY

This matter is before the Court on the Motion of Plaintiff Portales Place Property, LLC ("Plaintiff") for an order that the Clerk of Court shall issue garnishment process to Ballantyne Area Market Center, LLC d/b/a Keller Williams Realty with respect to property owned or controlled by Defendant Mario Guess a/k/a Jerry DeMario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess ("Guess") and Blue White Holdings I, LLC ("Blue White"), an entity under Guess's control.

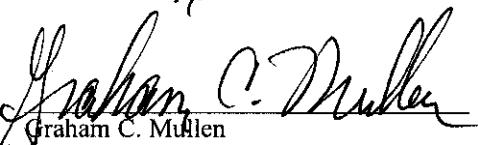
Upon consideration of: (i) Plaintiff's accompanying memorandum of law; (ii) the cancelled check produced by First Charter Bank in response to a subpoena in this case, attached to the memorandum as Exhibit A; (iii) the General Ledger for Ligna Acquisition Group/Portales Place Project produced by Defendant THP Escrow Services Corp., attached to the memorandum as Exhibit B; and (iv) Plaintiff's verified complaint, it is hereby ORDERED and DECREED that:

1. Plaintiff's Motion is GRANTED.
2. The Clerk of Court shall issue garnishment process to Ballantyne Area Market Center, LLC d/b/a Keller Williams Realty with respect to property owned or controlled by Guess or any entity controlled by Guess, including but not limited to Blue White Holdings I, LLC, in the manner set forth in Exhibit C to the Memorandum in Support of Plaintiff's Motion.
3. The U.S. Marshal is hereby directed to serve (i) the garnishment summons, (ii) the notice of levy, (iii) the attachment Order [Doc # 24] previously issued against Guess in this case, and (iv) the Writ of Attachment

[Doc # 43] previously issued against Guess in this case upon Ballantyne Area Market Center, LLC d/b/a Keller Williams Realty as soon as practicable.

SO ORDERED.

Signed: June 16, 2008

  
Graham C. Mullen  
United States District Judge